

# **BOARD OF ADJUSTMENT AGENDA**

**REGULAR MEETING**

**MONDAY NOVEMBER 24, 2014**

**4:30 P.M.**



**CITY COUNCIL CHAMBERS**

1. Meeting Called to Order.
2. Roll Call
3. Reading of the Minutes of the Special Meeting November 10, 2014 Regular Meeting.
4. Public comment period. The general public is invited to address the Board of Adjustment regarding any item on this agenda. The overall and individual speaking time allotments may be limited by the Chair.
5. Consider request of David Wordekemper, 3911 East County Rd T, allow for insufficient front and side yard set backs

**THIS MEETING WAS PRECEDED BY PUBLICIZED NOTICE IN THE FREMONT TRIBUNE AND THE AGENDA DISPLAYED IN THE LOBBY OF THE MUNICIPAL BUILDING AND POSTED ONLINE AT [WWW.FREMONTNE.GOV](http://WWW.FREMONTNE.GOV) AND DISTRIBUTED TO THE BOARD OF ADJUSTMENT, MAYOR AND CITY COUNCIL ON NOVEMBER 20, 2014 AND IS OPEN TO THE PUBLIC. A COPY OF THE AGENDA WAS KEPT CONTINUALLY CURRENT AND AVAILABLE TO THE PUBLIC AT 400 EAST MILITARY, 3<sup>RD</sup> FLOOR. A COPY OF THE OPEN MEETING LAW IS POSTED CONTINUALLY FOR PUBLIC INSPECTION LOCATED NEAR THE COUNCIL CHAMBERS ENTRANCE DOOR BY THE AGENDAS. THE BOARD OF ADJUSTMENT RESERVES THE RIGHT TO ADJUST THE ORDER OF ITEMS ON THIS AGENDA.**

## STAFF REPORT

**TO:** Board of Adjustment

**FROM:** Justin Zetterman, Interim Planning Director

**DATE:** November 19, 2014

**SUBJECT:** Dave and Barb Wordekemper's request to reduce the setback requirements for an AG zoned property.

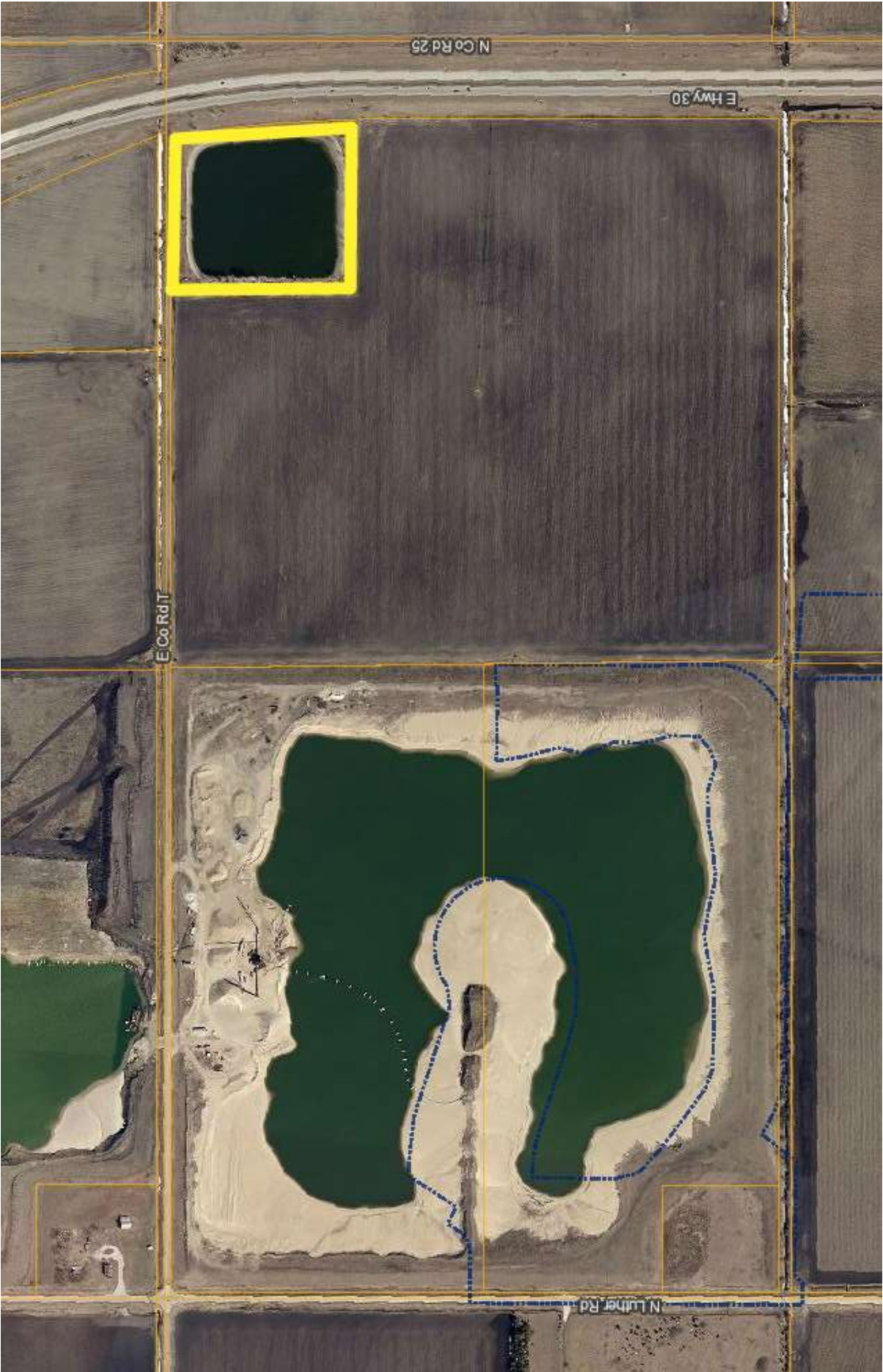
**Recommendation:** Allow for reduction of setbacks to accommodate building construction.

**Background:** This property is located at 3911 East County Road T. It sits at the end of a dead-end road north of Ritz Lake. The 13 acre parcel is zoned AG Agriculture/Urban Reserve. Roughly 9 acres of the parcel is open water.

AG Zoning has a setback of 50' for front, rear and side yards. This property has limited land area between the property lines and the lake. Strict adherence to the zoning setback requirements would make it impossible to construct a structure on this property between the setback line and the lake. The applicant is requesting that the setbacks be reduced to 20' to allow for construction of a pole building. The applicant is considering two options for the size and alignment of the building.

**Required Findings:**

- (a) The strict application of the zoning regulations will produce an undue hardship.
- (b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity
- (c) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by granting of the variance.
- (d) The granting of the variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.
- (e) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this zoning regulations.
- (f) The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any Ordinance or Resolution.



**BOARD OF ADJUSTMENT**  
**APPLICATION FOR VARIANCE**

October 29, 2014

We are requesting a variance to the 50 ft. setback in the AG Zoning for our property due to the proximity from the water edge to the property lines. The size of the property is 13 acres, and water takes up approximately 9 acres. The building site will be raised approximately 2 ft. with fill which will be about 6 ft. above the water line. Water drainage from the site will be directed toward the lake. The type of building we are looking at is a new pole building. Some of the sizes we are considering are 30X40X14 or 24X48X14.

At this time we prepared two options, Option A would be for the 24X48X14, Option B is for the 30X40X14. We would like to request a 20 ft. setback from the property lines. No matter which option is chosen we will still adhere to the 20ft. setback if allowed.

Thank You for your time and consideration.

Dave and Barb Wordekemper

OPTION A  
is probable

N

COUNTY RD "T"

PROPERTY LINE

DRIVE-  
WAY

64'

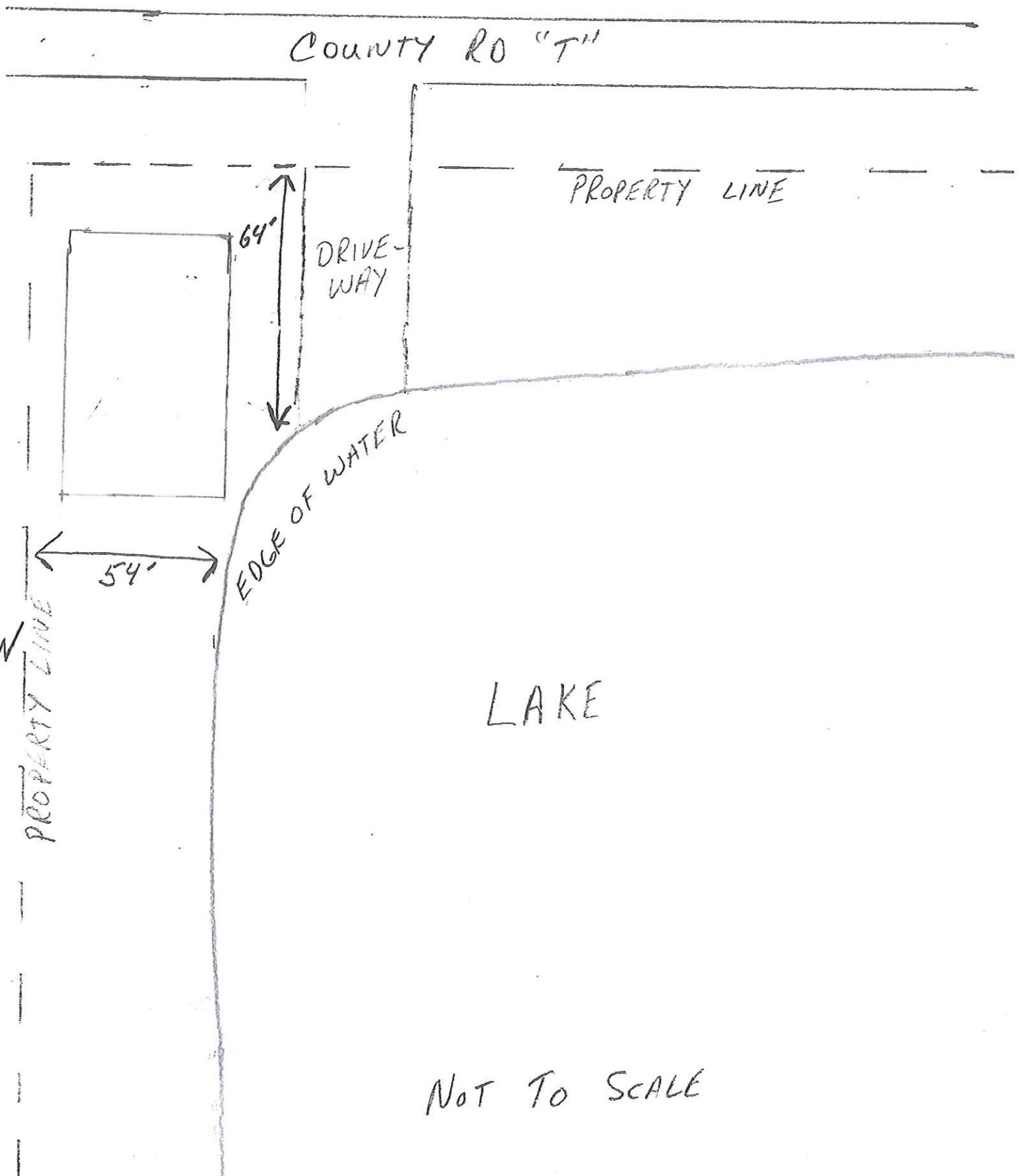
EDGE OF WATER

54'

LAKE

NOT TO SCALE

W  
PROPERTY LINE



OPTION B

N

COUNTY RD "T"

PROPERTY LINE

DRIVE-  
WAY

64'

EDGE OF WATER

54'

LAKE

NOT TO SCALE

W  
PROPERTY LINE

